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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,595	12/18/2000	Eugene Fink	051672-5001	1673
28977	7590	05/12/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS LLP 1701 MARKET STREET PHILADELPHIA, PA 19103-2921			SUBRAMANIAN, NARAYANSWAMY	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,595

Applicant(s)

FINK ET AL.

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to applicant's communications filed on April 21, 2005. Amendments to claims 1 and 7 and cancellation of claims 8, 9 and 11-24 have been entered. Claims 1-7 and 10 are pending. Rejections made under 35 USC 101 and 35 USC 112, second paragraph have been withdrawn by the Examiner in view of the amendments. The rejections and response to arguments are stated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ordish et al (US Pub. 2001/0039527 A1) in view of Walsh et al (US Patent 6,144,848).

With reference to claim 1, Ordish discloses a method to trade objects over a network, comprising: receiving a first order for an object having at least four dimensions associated with said object (See Ordish Paragraph 9 and claim 1); searching a computer memory for a second order with an object having said at least four dimensions (See Ordish Paragraph 9 and claim 1); and matching said first order with said second order in accordance with said search (See Ordish Paragraph 9 and claim 1). Commodities futures contracts are objects having at least four dimensions such as grade of the commodity, quantity of the commodity, date and place of delivery.

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Ordish does not explicitly teach the steps of receiving a message to modify said first order while said first order is pending, wherein said message is received from a party associated with the first order and modifying said first order in accordance with said message.

Walsh teaches the steps of receiving a message to modify said first order while said first order is pending, wherein said message is received from a party associated with the first order and modifying said first order in accordance with said message (See Walsh Column 7 lines 55-65, Column 21 lines 10-19 and Column 28 lines 24-39).

Both Ordish and Walsh are concerned with the problem of facilitating trading between parties. . It would have been obvious to one with ordinary skill in the art at the time of invention to include steps taught by Walsh to the invention of Ordish. The combination of the disclosures taken as a whole suggests that it would have helped a users make changes to their order as new information becomes available to them.

With reference to claims 2-4, 7 and 10, Ordish discloses the steps wherein said first order is a buy order and said second order is a sell order (inherent in the disclosure of Ordish); wherein said first order is a sell order and said second order is a buy order (inherent in the disclosure of Ordish); wherein said object is at least one of a group comprising goods and services (See Ordish Paragraphs 4 and 9), receiving a message to execute said first order using said second order and automatically executing said first and second orders in accordance with said message (See Ordish Paragraph 9) and if said first order does not match said second order, further comprising adding said first order to a list of orders (inherent in the disclosure of Walsh, pending orders are those that are not matched yet).

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4. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ordish et al (US Pub. No. 2001/0039527 A1) in view of Walsh et al (US Patent 6,144,848) and further in view of Autotrader.Com (Reference dated July 20, 2000).

With reference to claims 5-6, Ordish discloses a method to trade objects over a network as discussed in claim 1 above.

Ordish does not explicitly teach the steps wherein said object is a vehicle and wherein the dimensions comprises at least four dimensions from a group comprising manufacturer, model, year, mileage, color, and accessories.

Autotrader.Com teach the steps wherein said object is a vehicle (See Page 1 of the reference) and wherein the dimensions comprises at least four dimensions from a group comprising manufacturer, model, year, mileage, color, and accessories (See page 2 of the reference). The dimensions such as manufacturer, model, year, mileage, color, and accessories are also old and well known in the art. Most classified ads for Autos carry information about these dimensions to help find the right buyer.

Both Autotrader.Com and Ordish are concerned with the problem of facilitating trading of commodities between a buyer and a seller. It would have been obvious to one with ordinary skill in the art at the time of invention to include steps taught by Autotrader.Com to the invention of Ordish. The combination of the disclosures taken as a whole suggests that it would have helped a car buyer find the right car according to his/her needs and preferences.

Response to Arguments

5. Applicant's arguments with respect to claims 1- 7 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Subramanian

May 3, 2005

A handwritten signature in black ink, appearing to read "Jagdish N. Patel", written over a horizontal line.

Jagdish N. Patel
Primary Examiner